

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

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September 7, 2021

The City Council of the City of Gardner, Kansas met in regular session on September 7, 2021, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Mark Baldwin, Kacy Deaton, Randy Gregorcyk, and Tory Roberts. City staff present were City Administrator James Pruetting; Deputy City Administrator Amy Nasta; Finance Director Matthew Wolff; Police Chief James Belcher; Parks and Recreation Director Jason Bruce; Community Development Director David Knopick; Public Works Director Kellen Headlee; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the sign-in sheet and others who did not sign in.

CALL TO ORDER

There being a quorum of Councilmembers present, Mayor Shute called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shute led those present in the Pledge of Allegiance.

PRESENTATIONS

1. Proclaim the week of September 17-23, 2021 as Constitution Week in the City of Gardner, Kansas

Mayor Shute read into record a proclamation that the week of September 17-23, 2021 be known as Constitution Week in the City of Gardner, Kansas

2. Gardner Golf Course Update (Watch the full presentation [here](#))

Mike Mallory, Gardner Golf Course manager, provided an update on the improvements made at the golf course. Great Life took over in 2018, and the golf course was in disrepair. They installed a new irrigation system in the first year. It was vital to the success of the course. They reseeded that fall. In 2019, they built a new green, leveled all the tee boxes, installed zoysia sod on the tee boxes, stripped zoysia into the fairways. Now they have 85-90% zoysia grass fairways. In 2018, they had 5000-5500 rounds. In 2019, it increased to 7500 rounds. In 2020, play increased to over 15,000 rounds. They are on pace to beat last year's rounds this year. They've built new tee boxes, improved the clubhouse, cleared trees, and cleaned up the shop area. They are working with city staff to cap old oil wells and move power lines across fairways. The main complaint they get are cart paths. Mr. Mallory provided a video illustrating the golf course features.

Councilmember Gregorcyk asked if there is any opportunity to use leftover asphalt from the streets project on the cart paths. Director Headlee said contract the asphalt, there isn't any spare. The city pays for the asphalt used. Gregorcyk asked if they have considered vision meetings to discuss the back 9 and clubhouse. Mr. Mallory said he is always being asked about the back 9. The city took a chance on Great Life. They draw people from surrounding communities. Councilmember Winters said he hears about the back 9 as well. The original discussion was get the first nine open and see how it goes. Mallory said tournaments are difficult to schedule. He also said three high schools participate at the golf course. They can only put so many people on the course at a time. Winters asked if putting back 9 in would be less expensive. Mallory said they need to meet with city staff to discuss vision for the back nine. They can't get enough water from the lake to be able to water 18 holes. Some amenities would need to be a partnership with the city and not just a lease. Mayor Shute said to do 18, they need broad community focus and offer amenities that would be used by the whole community. Mallory suggested bringing in an architect to see how the space can be used. Shute asked if Great Life would be open to having programming opportunities with Parks & Rec. Mallory confirmed. Councilmember Roberts took tour of golf course; they've done a lot of work. She gets questions about the back 9 and supports a visioning meeting. Mallory can schedule a site visit with council and staff. Shute asked staff to work on a schedule.

PUBLIC HEARINGS

1. Hold a public hearing to receive public input regarding the amendment of the FY 2021 budget

Councilmember Baldwin made a motion to open a public hearing to receive public input regarding the amendment of the FY 2021 budget.

Councilmember Winters Seconded.

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With all of the Councilmembers voting in favor of the motion, the motion carried.

No members of the public came forward.

Councilmember Deaton made a motion to close the public hearing.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

NEW BUSINESS

1. Consider adopting an ordinance amending the Fiscal Year 2021 Budget

Finance Director Matt Wolff said the Governing Body adopted the FY 2021 Budget at the August 17, 2020 Council meeting. The governing body's approval of the annual budget sets the expenditure authority for the city's various funds for that budget year. To avoid a potential budget violation for the FY 2021 budget, a "housekeeping/technical" budget amendment is needed to increase expenditure authority for the Main Street Market Place Community Improvement District (CID) Fund. In compliance with K.S.A. 79-2929a, the proposed increase shall be balanced by previously unbudgeted revenues in revenue other than ad valorem property tax. The Main Street Market Place CID Fund is funded from CID sales tax generated by the Main Street Market Place CID. There is no additional mill levy associated with this budget amendment. The cause of the "housekeeping/technical" amendment is the carryover of CID sales tax that was generated in 2020 and the need to increase budget authority to be able spend the funds. Per the Main Street Market Place Development Agreement, the funds will be used to reimburse the developer for eligible project costs and the City for administrative costs.

Councilmember Deaton made a motion to adopt an ordinance amending Fiscal Year 2021 Budget.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2717.

Baldwin:	Yes
Roberts:	Yes
Gregorcyk:	Yes
Deaton:	Yes
Winters:	Yes

PUBLIC HEARINGS

2. Hold a public hearing to receive public input regarding the City's intent to exceed the revenue neutral rate

Councilmember Gregorcyk made a motion to open a public hearing to receive public input regarding the City's intent to exceed the revenue neutral rate.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Mayor Shute read into record an email received from Adrianna Meder, 32604 W. 171st Ct: "I am writing this email to you with questions and concerns I have regarding new business item #2 and following public hearing, ...to increase the revenue net neutral rate for the 2022 budget.' Without more specific information, what basis for comments does the public have to make? Realizing more information will come in the just prior to discussion, AMMENDING the 2021 budget this evening, really doesn't allow for much time for the average tax paying citizen to digest the information and make a comment either for or against new business item #2. With the limited

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information supplied to date, perhaps priority based budgeting is causing the lack of clear numbers? Personally, I find this to be another method to fund the city using citizen tax dollars. This is an especially jagged pill to swallow, with the tax credit and other funding handouts given to developers recently. I appreciate your time and consideration on this important item this evening. Please remember the impacts this will have to the taxpayers, citizens of Gardner.

Councilmember Deaton made a motion to close the public hearing.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

NEW BUSINESS

2. Consider adopting a resolution of the City of Gardner, Kansas, to exceed the revenue neutral rate for the fiscal year 2022 budget

Finance Director Matt Wolff said Senate Bill 13 established new notification and public hearing requirements if the proposed budget will exceed the revenue neutral property tax rate. The revenue neutral rate is the mill levy required to raise the same amount of property tax as the prior year using current year assessed valuation amounts. The Johnson County Clerk calculated Gardner's revenue neutral rate for FY 2022 as 19.278. Staff originally proposed a budget that was based on a flat mill levy of 20.665. At a work session, council provided guidance to build the budget with a half mill decrease, or 20.165 proposed mill rate, which exceeds the revenue neutral rate. In compliance with Senate Bill 13 and House Bill 2104, the city published notice of the public hearing to consider exceeding the revenue neutral rate in the August 24th edition of *Legal Record* and on the city's website. Staff also published the full budget book on the city's website for citizens to review.

Councilmember Gregorcyk asked about the total cost of the VERF, and how would it operate. Director Headlee said the VERF proposed dollar amount is the yearly replacement cost of the city's vehicles and equipment aimed to centralize replacement. The city owns about \$3.8 Million worth of vehicles and equipment. The program will take the total value, life expectancy, and intended replacement to get a yearly cost that would replace every vehicle and piece of equipment at its optimal time of replacement. Gregorcyk asked if the dollar amount changes year over year. Headlee said every vehicle or piece of equipment is replaced at its optimal time, and it would add up during the total life expectancy of each piece. Each vehicle pays for itself over time. Gregorcyk asked what the total cost of the VERF is. Director Wolff said annual transfers are about \$389,000. Gregorcyk asked if that's a flat amount or would it change? Wolff said that's how it was designed for the first two years; staff are still evaluating how they will implement the program and bring it back to council before anything is spent. Gregorcyk said the VERF is about 1.25 mills. Wolff reminded the body that it's not all property tax; there are other funds involved. Mayor Shute said the point is to stay on regular maintenance and ahead of the curve. Gregorcyk noted the dump truck bed that was replaced would have come from VERF. Headlee confirmed; ancillary equipment assigned to vehicles is included in the cost. Gregorcyk asked if this is in conjunction with preventive maintenance plan. Pruetting confirmed. Winters asked if they will look at numbers every year and adjust accordingly. Headlee confirmed. The number will change every year. Wolff said there are governmental funds and enterprise funds. While they run it through VERF, for accounting purposes it will be shown as a transfer back to the department and the expense will come out of the department. Baldwin said it's good to be proactive. When evaluating the condition based on optimal replacement, there should be a plan if they can delay something two years if there are no issues. Headlee said if it is still in good shape, they will stretch it. Others may need to be replaced early. Gregorcyk asked about preventive maintenance tracking. Headlee said tracking has moved into Lucy.

Councilmember Winters made a motion to adopt a resolution levying a property tax rate exceeding the Revenue Neutral Rate for the City of Gardner, Kansas.

Councilmember Deaton Seconded.

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With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2092.

Roberts:	Yes
Deaton:	Yes
Winters:	Yes
Baldwin:	Yes
Gregorcyk:	Yes

PUBLIC HEARINGS

3. Hold a public hearing to receive public input regarding the proposed FY 2022 Budget

Councilmember Baldwin made a motion to open a public hearing to receive public input regarding the proposed FY 2022 Budget.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

No members of the public came forward.

Councilmember Gregorcyk made a motion to close the public hearing.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

NEW BUSINESS

3. Consider adopting an ordinance adopting the Fiscal Year 2022

Finance Director Matt Wolff said although the city prepared the Revised Biennial Budget for FY 2021-2022, Kansas law requires annual budget approval. On September 7, the statutorily required budget hearing for the FY 2022 Budget was held in compliance with K.S.A. 79-2929. The budget is structurally sound, as represented by adequate reserves in both tax levy funds and the utility funds at the end of year (EOY) 2022. Projected EOY 2022 General Fund Balance is 37%. They are running a small operational deficit that is intentional to spend down fund balance over time. There is a 0.5 mill levy decrease as compared to the 2021 mill levy rate. The estimated FY 2022 mill levy is 20.165; FY 2021 had a mill levy of 20.665. The budget provides for continued investment in infrastructure to improve the quality of life for residents and support community growth. It includes funding for 6.5 new full-time equivalent positions to help maintain vital public services as the community continues to grow in terms of both volume and complexity. It includes a planned water rate increase of 3.7% in 2021 to support the water treatment plant expansion project. There are no planned rate increases for the electric and wastewater utilities.

Councilmember Baldwin met with staff to discuss what the number would be if they spent down to 30% in 2022, and it would be 18.165. if they dropped it, they would have to bring it back up in a year or two.

Mayor Shute commended Director Wolff and the finance staff.

Councilmember Deaton clarified that passing this doesn't change doing reviewing the pay scales. Pruetting said they are beginning salary reviews.

Councilmember Baldwin would like to start rate study on electric in the next 6 months so that this time next year they can discuss. They continue to raise water rates and wastewater rates will be next. They overcharge for electric, so they can use that to give residents a reprieve.

Councilmember Winters made a motion to adopt an ordinance adopting the 2022 Budget of the City of Gardner, Kansas

Councilmember Deaton Seconded.

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With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2718.

Deaton:	Yes
Roberts:	Yes
Winters:	Yes
Gregorcyk:	Yes
Baldwin:	Yes

PUBLIC COMMENTS

No members of the public came forward.

CONSENT AGENDA

1. Standing approval of the minutes as written for the regular meeting on August 16, 2021
2. Standing approval of City expenditures prepared August 11, 2021 in the amount of \$572,915.74; August 13, 2021 in the amount of \$20,949.45; August 20, 2021 in the amount of \$953,405.95; August 20, 2021 in the amount of \$30,000.00; August 24, 2021 in the amount of \$151,925.00; August 27, 2021 in the amount of \$3,463,610.92; and August 27, 2021 in the amount of \$1,002.07
3. Consider authorizing the execution of a change order for the installation of ultraviolet disinfection system and non-potable water system as part of the Belt Press Replacement at Kill Creek Water Recovery Resource Facility
4. Consider accepting permanent easements for the Regency West development
5. Consider an appointment to the Citizens Police Advisory Committee

Councilmember Baldwin made a motion to approve the Consent Agenda.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

PLANNING & ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

OLD BUSINESS

NEW BUSINESS

COUNCIL UPDATES

Director Wolff said staff received comments on information people would like to see about the budget. They are developing something in between the budget book and the one page infographic. Mayor Shute would like to see something with links that people can drill down in certain aspects.

Mayor Shute noted they appointed Kerri Kruger to the Citizens Police Advisory Committee.

Chief Belcher gave an update to commercial vehicle certification. Staff was notified from the Kansas Highway Patrol that the city secured three spots for officers in the winter class.

Director Bruce said the aquatic center is officially closed for the season. Bruce recognized Jordyn Lester for overseeing aquatics operations, and her pool managers, lifeguards and concession workers. They did a great job with staffing challenges. He also recognized maintenance staff for finding the pool break at the start of the season. The Smoke on the Trails BBQ competition is this weekend at Celebration Park. They have over 50 teams from three states competing. Councilmember Gregorcyk asked about Grand Slam tickets. Bruce said they have sold over 100 and tickets will remain on sale until the day before the event. Mayor Shute asked about the pool break. Bruce said they had very minimal leakage. They will have small repairs to make in the off-season.

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Director Knopick said there is an EDAC meeting tomorrow evening. They will receive a presentation on the airport business and economic strategy. The meeting is at 6pm in Council Chambers. Mayor Shute said they need to leverage city property and this presentation is a move forward. Knopick said the presentation primarily identify strengths and weaknesses and opportunities with the property.

City Administrator Pruetting thanked the governing body for working through the budget with staff. They set a baseline with this one because of Senate Bill 13.

Councilmember Roberts asked about the turn eastbound on Santa Fe turning right on to Main St. It was going to be reworked. Director Headlee said they are getting pricing from contractors. They have a design to increase the radius for trucks and move the curb back.

Councilmember Gregorcyk said he met with a resident on N. Center, north of Madison regarding truck traffic. Not including the two businesses, there is still a lot of truck traffic. There are new developments hauling rock, concrete, etc. How would they change that? Would the officers going to training be able to help with that? Chief Belcher said any officer can deal with truck route violations. The certified officers are authorized to inspect the trucks once they are stopped, but any officer can make stops on truck violations. Belcher said that area may need a more focused enforcement. Gregorcyk asked if the CBSA officers need additional equipment. Belcher said they have one vehicle that does inspections, and they have a quote for additional scales that would provide for two vehicles. Pruetting said Director Headlee is working with directors from the county and Edgerton to see how they can route trucks through the entire SW JoCo area. The next step is to work with the GPS companies. Belcher said officers will ask trucks when stopped how they got there, was it a GPS issue or signage issue, so that they know what areas to address.

Councilmember Deaton said the CPAC meeting is on Monday, Sept 13.

Councilmember Baldwin asked for an update on Waverly to Blazer Dr/172nd Terr. Director Headlee will review the schedule and provide an update. Mayor Shute asked if there were weather delays. Pruetting said the delay was the redesign of the roundabout at Madison and Waverly.

Councilmember Winters noted a delay on the US 56 project. Pruetting said every delay is the result of outside entities. They started on ROW as soon as they could, and started condemnation earlier than preferred. KDOT's October letting includes a 2-month contract time. They are now looking at a January/February start. Mayor Shute asked about the city funds paid to get the project moved into 2021. Will they get some back because of the missed deadlines? Pruetting is looking into it.

Mayor Shute thanked the finance staff for work on the budget and thanked parks staff for the pool season. Fall sports start soon. He encouraged people to visit the BBQ event this weekend.

EXECUTIVE SESSION

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Gregorcyk and seconded by Councilmember Baldwin the meeting adjourned at 8:05 p.m.

City Clerk